

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

OP.No. 22975 of 2002(I)

PETITIONER:

**RAJITH KUMAR, WORKSHOP INSTRUCTOR,
TECHNICAL HIGH SCHOOL, PAYYOLI-673 522.**

BY ADV. SRI.P.M.PAREETH

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY
PRINCIPAL SECRETARY, HIGHER EDUCATION DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. DIRECTOR OF TECHNICAL EDUCATION,
THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SMT.T.B.RAMANI

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

OP. NO.22975/2002

ORDER ON CMP. NO.39375/2002 IN OP. 22975/2002

DISMISSED

26.07.2007

SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE GOVERNMENT CLARIFICATION NO.24208/PRU, 1/98/FIN. DT. 24.6.96.

EXT.P2:- COPY OF THE MARK LIST IN MECHANICAL ENGINEERING EXAMINATION ISSUED TO THE PETITIONER.

EXT.P3:- COPY OF THE REPRESENTATION DT. 20.9.01 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P4:- COPY OF THE COMMUNICATION DT. 22.1.02 NO.35191/J3/01/H.EDN, ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P5:- COPY OF THE PROCEEDINGS NO.EC4/27180/93/DTE DT. 27.11.97 ISSUED BY THE 2ND RESPONDENT.

EXT.P6:- COPY OF THE PROCEEDINGS NO.1480/2000/RDTEC DT. 31.5.2000 ISSUED BY THE JOINT DIRECTOR, RDTE, KOZHIKODE.

EXT.P7:- COPY OF THE PROCEEDINGS NO.A1-2678/99/RDTEC/K.DIS DT. 10.3.2000 ISSUED BY THE JOINT DIRECTOR, REGIONAL DIRECTORATE OF TECHNICAL EDUCATION, KOZHIKODE.

EXT.P8:- COPY OF THE RELEVANT PORTION OF THE ORDER DT. 25.11.98.

EXT.P9:- COPY OF THE GO. DT. 12.7.04.6

/TRUE COPY/

P.S. TO JUDGE

tss

THOTTATHIL B. RADHAKRISHNAN, J.

= = = = =

O.P.No.22975 of 2002-I

= = = = =

Dated this the 26th day of July, 2007.

JUDGMENT

The petitioner entered the service as a Workshop Instructor on 27-7-1989. The authorities have conceded the position that he was entitled to be considered for the first higher grade on completion of 10 years on 28-3-1999 reckoning also certain earlier spells of provisional service. The short issue is as to what is the scale to which his higher grade has to be granted. According to the petitioner, he is entitled to the scale of Assistant Lecturer. But the impugned Ext.P4 has been issued by stating that the category of Assistant Lecturer was abolished on 28-2-1997, but Ext.P9 produced along with the reply affidavit would show that the post of Assistant Lecturer was abolished since 5/2000 on the instructions of the AICTE. If that were so, on

28-3-1999 the category of Assistant Lecturer was very much there. This also appears to be the submission of the petitioner on the basis of Ext.P8 pay revision order.

Under the aforesaid circumstances, this writ petition is disposed of directing that the Government will reconsider Ext.P4 after affording the petitioner an opportunity of being heard within three months from the date of receipt of a copy of this judgment.

**THOTTATHIL B. RADHAKRISHNAN,
JUDGE.**

Sha/-

OP22975/2002

-: 3 :-

THOTTATHIL B. RADHAKRISHNAN, J.

= = = = =

O.P.No.22975 of 2002-I

= = = = =

JUDGMENT

Dated: 26th July, 2007.